

Court of Appeals, State of Michigan

ORDER

Sophia Bruister v Regency Park Apts Inc

Docket No. 289516

LC No. 07-705631-NO

Kirsten Frank Kelly
Presiding Judge

Brian K. Zahra

Christopher M. Murray
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the November 19, 2008, order of the Wayne Circuit Court denying defendant's motion to set aside the default judgment hereby is REVERSED. The record before this Court reflects that plaintiff neglected to comply with both requirements of MCR 2.105(D)(2). Even if plaintiff personally served a person in charge of defendant's apartment building, plaintiff failed to mail "a summons and a copy of the complaint by registered mail, addressed to the principal office of the corporation" as required by the court rule. Plaintiff's failure to comply with the court rules constituted a complete failure of service of process, not merely a technical defect. See *Holliday v Townley*, 189 Mich App 424, 425-426; 473 NW2d 733 (1991). Under those circumstances, the trial court did not acquire personal jurisdiction over defendant and should have granted the motion to set aside the default judgment. The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 22 2009

Date

Sandra Schultz Mengel
Chief Clerk